

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA

v.

DASHAWN ANTHONY,

Defendant.

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Case No. 4:18-cr-00012

**REPLY TO UNITED STATES'S CLARIFICATION
REGARDING DISCOVERY**

On December 21, 2018, the United States filed a pleading seeking to clarify representations regarding discovery made by Defendant Anthony in a motion (ECF No. 22) asking for an extension of time to file motions to sever in this multi-defendant case. ECF No. 222. The Government did not oppose the motion, but sought to “correct several misrepresentations regarding the status of discovery.” ECF No. 222 at 1.

As the Court may be aware, all the representations that Mr. Anthony made regarding the volume of discovery, accessibility, and any comparisons or calculations, were based on the data provided by the Coordinating Discovery Attorney (CDA) in his November 28, 2018, ex parte status report to the Court regarding Production 5 and discovery.¹ Counsel is only beginning to

¹ For example, the Government objects to Mr. Anthony’s statement that Production 5 was twice the amount of all previous discovery productions. ECF 222 at 1–2. The Government represents that the first four discovery productions amounted to 317.3 GB, and the fifth was 248 GB. As the CDA explained, when files are stripped of unrelated programs and systems files, the amount of reviewable discovery on Production 5 was 205 GB. The addition of these materials to existing reviewable discovery increased the size of the database holding the Government’s total discovery to 308 GB. CDA’s Ex Parte Status Report at 3–5 (Nov. 28, 2018). Thus, the total amount of reviewable discovery in the first four discovery productions was about 103 GB, while the total amount of reviewable discovery in Production 5 was 205 GB; the latter amount is approximately twice that of the former amount.

review the Production 5 materials, and is not as familiar with the specific content of the discovery as the Government is. But there is no dispute that Production 5 is a “large production”² and that it was provided later in the discovery process due to what the Government considered “real and significant witness safety issues.” ECF 222 at 2. Nor is there any doubt that this production contains information that is most important to the Government’s case.

Mr. Anthony’s motion did not seek to complain or imply anything about the discovery process other than to point out the recent large production of materials made it unlikely that Defendants could develop and present the comprehensive and accurate litigation the Court contemplated regarding severance within the time currently provided. The parties are in agreement on this matter.

CONCLUSION

For the reasons stated above and in Mr. Anthony’s Motion and Memorandum in Support, the Court should grant the Motion to Extend Time to File Motions to Sever.

Respectfully submitted,

/s/
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² The CDA characterized it as “an enormous production.” CDA’s Ex Parte Status Report at 3, (Nov. 28, 2018).

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CERTIFICATE OF SERVICE

I, hereby certify, that on the ___ day of December, 2018, I electronically filed this document through the Court's CM/ECF filing system, and through that system delivered a copy of this pleading to counsel for the United States, Ronald M. Huber and Heather L. Carlton, at the United States Attorney's Office, 255 West Main St, Charlottesville, VA 22902.

/s/

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